

On motion of Mr. Taylor, referred to the committee on the Judiciary.

A bill for the relief of Jonathan Burleson ; read first time.

On motion of Mr. Gage, the rule was suspended ; bill read second time and referred to the committee on Private Land Claims.

On motion of Mr. Taylor, the Senate adjourned.

SATURDAY, February 2, 1850.

The Senate was called to order by the President—Senators present : Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Hart, Latimer, McRae, Moffett, Phillips, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

Journals of yesterday were read and adopted.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported the following bills and joint resolutions correctly engrossed :

A bill to be entitled an act for the relief of all just and *bona fide* holders of, or claimants to lands granted by the government of Spain, Mexico, or colonised and held in conformity to the laws of Mexico, and the State of Tamaulipas as recognised by the constitution and laws of the Republic and State of Texas, lying and situated in that portion of the territory within the limits of Texas, west of the Nueces river, to prohibit patents from issuing thereon, that said holders or claimants may have time to have registered and filed their muniments and warrants of title, as this act shall direct ;

A bill to authorize the Governor to appoint a General Staff, and organize the Militia of the State of Texas ;

A bill for the relief of the heirs of Tilford Baker.

A bill for the relief of H. B. Andrews ;

A bill to establish the time for holding the courts in the first judicial district.

Mr. Phillips, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom were referred two several bills defining the time of holding the courts in the 4th judicial district, have instructed me to report : that these bills are rendered unnecessary by the provisions of a third bill on the same subject, they therefore recommend that they be laid upon the table.

Mr. Phillips from the same committee, to whom was referred a bill to define the time of holding the courts in the twelfth judicial district; reported the same back to the Senate, and recommended its passage.

Mr. Phillips from the same committee to whom was referred a bill to incorporate the town of Marshall, reported the same back to the Senate with an amendment, and recommended its adoption and passage of the bill.

Amendment—strike out the 15th section.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of Melville Langham; a bill for the relief of Greenberry Logan and Joseph Taylor, and a bill for the relief of Jonathan Burleson; reported the same back to the Senate without amendments, and recommended their passage.

Mr. Robertson from the same committee, to whom was referred a bill for the relief of the heirs and legal representatives of Chas. Martin, deceased; reported the same back to the Senate with an amendment, and recommended its adoption and passage of the bill.

Amendment—Add to the 1st section, the following: "and a patent shall issue thereon in obedience to the laws regulating the same in first class claims."

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill to authorize the county of Harris to levy and collect a special tax, not to exceed one-half of the State tax of said county; reported the same back, and recommended its passage.

Mr. Grimes from the same committee, made the following reports:

The committee on Finance, to whom was referred a bill to extend the provisions of an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848, have instructed me to report the bill with amendment, and recommend its passage.

Amendment—Strike out from word "Austin" in the second section, third line, to "and" in the fourth line.

The committee on Finance, to whom was referred a joint resolution for the relief of A. H. Cook, have examined the claim against the estate of Reuben Vaughan, deceased, for funeral expenses, and find it to be sufficiently authenticated; it is in evidence before your committee that Wm. R. Hobbs, the administrator, on settlement of the estate, paid into the Treasury of the State, the sum of \$162 30 cts., pertaining to said estate; your

committee therefore report the joint resolution to the Senate, and recommend its passage.

The committee on Finance, to whom was referred a bill for the relief of the persons taken prisoners by the Mexican army at San Antonio, have instructed me to return the bill with an amendment, and recommend its passage.

Amendment—Add at the end of second section, "which certificate shall be as valid as other audited liabilities of the late Republic of Texas."

The committee on Finance, to whom was referred a bill requiring the Commissioners appointed by an act creating the county of Cherokee, approved April 11th, 1846, to deliver up certain documents and moneys therein mentioned; have instructed me to report the bill with an amendment, and recommend its passage.

Amendment—Strike out the 4th section, and add to end of the 3rd section, "and that this act take effect from its passage."

Mr. Gage, chairman of the committee on County Boundaries, to whom was referred a bill more permanently locating the seat of justice of Grayson county, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Pease, chairman of the Select committee, to whom was referred a bill for the relief of Wm. McMasters, late Sheriff of Brazoria county, made the following report:

[* No-report in copy furnished the printer.]

Mr. Pease, chairman of the committee on Internal Improvements, made the following report:

COMMITTEE ROOM, February 2, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on Internal Improvements, to whom was referred an act to amend an act entitled an act to establish the Galveston and Red River Rail-way Company, have considered the same; we recommend the following amendment to the bill:—strike out all after the word "next" in the 11th line, and insert the following, "and the period within which said company shall complete one hundred miles of said road, shall be extended to five years from and after the first day of June, one thousand eight hundred and fifty;" with this amendment they recommend the passage of the bill.

Mr. Pease, chairman of the same committee, also made the following report:

COMMITTEE ROOM, February 2, 1850.

Hon. JOHN A. GREER,

President of the Senate :

The committee on Internal Improvements, to whom was referred a bill for the relief of the children of Mrs. Isham Tooke, have considered the same. A majority of the committee are of opinion that if it is expedient to grant the relief which the bill proposes, a general law should be passed granting relief in all similar cases, but they are unable to agree on the expediency of granting such relief in any case of the kind. They have therefore directed me to report the bill to the Senate without any recommendation in regard to it, and ask to be discharged from the further consideration of it.

Mr. Van Derlip from the committee on Internal Improvements, to whom was referred a bill to incorporate the Guadalupe Bridge Company, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Ward from the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills have examined the following bills and resolutions, and find them correctly enrolled, viz :

A bill for the relief of Daniel Fuller ;

An act for the relief of James R. Pace ;

Joint resolution authorizing and requiring the Commissioner of the General Land Office, to issue a certificate to J. H. Singleton, for one third of a league of land ;

An act to fix the price of land certificates to be issued by the Commissioner of the General Land Office ;

Joint resolution authorizing the Governor to subscribe for two hundred and fifty copies of the second and third volumes of the Decisions of the Supreme Court of this State ;

Joint resolution relative to the removal of the obstructions to the navigation of Red River ;

Joint resolution authorizing the Comptroller to make a final settlement with the late Public Printer, for printing the laws and journals of the second Legislature ;

Joint resolution for the relief of Lieutenant Lansing, deceased ;

An act to provide for the distribution of the Reports of the Supreme Court, the laws of the State, and the journals of the Legislature.

Mr. Phillips introduced a bill to authorize the printing of five hundred additional copies of the laws passed at the session of the Legislature in the years 1849 and 1850 ; read first time.

On motion of Mr. Phillips, the rule was suspended, bill read second time and referred to the committee on Finance.

Mr. Robertson introduced a bill to amend the second section of an act to authorize Charles Covington and his associates, to establish a Ferry across the river Yegua, and construct a causeway across the bottom lands thereof; read first time.

On motion of Mr. Robertson, the rule was suspended, bill read second time and referred to the committee on Internal Improvements.

ORDERS OF THE DAY.

A bill providing for the payment of the forage, subsistence, medicines, etc., of the company of mounted volunteers, commanded by Captain Johnson, and mustered into the service of the State by order of his Excellency, George T. Wood, Governor; read third time and passed by the following vote:

Yeas—Messrs. Burleson, Cooke, Davis, Kinney, McRae, Moffett, Phillips, Portis, Robertson, Taylor, Truit and Walker—12.

Nays—Messrs. Brashear, Gage, Grimes, Hart, Latimer, Parker, Pease, Van Derlip, Ward and Wallace—10.

A bill for the relief of Tifford Baker; read third time and passed.

A bill to establish the time of holding the District Courts in the first judicial district; read third time and passed.

A bill for the relief of William B. Andrews; read third time and passed.

A bill to authorize the Governor to appoint a General Staff and organize the Militia of the State of Texas; read third time and rejected by the following vote:

Yeas—Messrs. Davis, Kinney, Latimer, Moffett, Portis, Robertson, Taylor, Truit and Van Derlip—9.

Nays—Messrs. Brashear, Cooke, Gage, Hart, McRae, Parker, Pease, Phillips, Ward, Walker and Wallace—11.

A bill for the relief of certain persons, formerly prisoners of war in Mexico; read and passed to a third reading.

A bill for the relief of all just and *bona fide* holders of, or claimants to lands granted by the government of Spain, Mexico, or colonized and held in conformity to the laws of Mexico and the State of Tamaulipas, as recognized by the constitution and laws of the Republic and State of Texas, lying and situated in that portion of the territory within the limits of Texas, west of the Nueces river, to prohibit patents from issuing thereon, that said holders or claimants, may have time to have registered and filed

their muniments and warrants of title, as this act shall direct ; read third time.

Mr. Van Derlip offered the following amendment : add to the first section the following words, "except those claims heretofore surveyed in the county of Kinney."

Mr. Robertson offered the following proviso, as an amendment to Mr. Van Derlip's amendment : "provided, that if any patent shall issue under the provisions of this section of this act on an old grant or survey, such patent shall have no force or effect ; rejected.

The question then recurred on the adoption of Mr. Van Derlip's amendment, the yeas and nays were as follows :

Yeas—Messrs. Brashear, Gage, Grimes, Hart, Kinney, Latimer, Taylor, Van Derlip and Wallace—9.

Nays—Messrs. Burleson, Cooke, Davis, Moffett, Parker, Pease, Phillips, Portis, Robertson, Truit, Ward and Walker—12. Rejected.

Mr. Wallace offered the following amendment : 1st section, strike out "surveyed or made or" in fifth and sixth lines ; in same section, strike out "after" in eighth line ; rejected by the following vote :

Yeas—Messrs. Brashear, Cooke, Latimer, Moffett, Parker, Taylor, Truit, Van Derlip, Walker and Wallace—10.

Nays—Messrs. Burleson, Davis, Gage, Grimes, Hart, Kinney, Pease, Phillips, Portis, Robertson and Ward—11.

Mr. Gage offered the following additional section, to be section fourth :

"Be it further enacted, That this act shall not be so construed as to prevent the locating and surveying of any lands not heretofore located or surveyed ;" adopted by the following vote :

Yeas—Messrs. Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Portis, Taylor, Truit, Ward, Walker and Wallace—16.

Nays—Messrs. Kinney, Pease, Phillips and Robertson—4.

Mr. Portis moved to reconsider the vote which rejected the amendment offered by Mr. Van Derlip, excepting those claims heretofore surveyed in the county of Kinney ; upon which the yeas and nays were as follows :

Yeas—Messrs. Brashear, Davis, Gage, Grimes, Kinney, Moffett, Parker, Portis, Taylor, Truit, Van Derlip and Wallace—12.

Nays—Messrs. Burleson, Cooke, Hart, Latimer, Pease, Robertson, Ward and Walker—8. Carried and vote reconsidered.

The question then recurred on the amendment, and it was rejected.

The bill then passed by the following vote :

Yeas—Messrs. Brashear, Burleson, Davis, Gage, Grimes, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Ward and Walker—18.

Nays—Messrs. Cooke, Hart, Van Derlip and Wallace—4.

Mr. Gage, chairman of the committee on County Boundaries, to whom was referred a bill to create the county of Uvalde, reported the same back to the Senate, and recommended its passage.

On motion of Mr. Gage, the vote which refused to pass a joint resolution providing for the most efficient and certain protection of the exposed borders and frontier portions of Texas, against the continued hostility and depredations of the Indians; was reconsidered.

On motion of Mr. Robertson, the joint resolution was referred to a select committee; Messrs. Robertson, Truit, Davis, Wallace and Parker, were appointed said committee.

Mr. Pease, chairman of the Select committee, to whom was referred a bill to prevent locations in the colonies of Austin, De Witt and De Leon; reported the same back to the Senate without amendment, and recommended its passage.

A bill for the relief of Edward Miles, together with the report of the committee on Private Land Claims, offering amendments thereto, was read; amendments adopted and bill passed to a third reading.

Mr. Truit introduced a bill to prevent controversies originating from a conflict of patents emanating from the State of Texas; read first time.

On motion of Mr. Truit, the rule was suspended, bill read second time and referred to the committee on Public Lands.

Mr. Kinney moved to reconsider the vote which indefinitely postponed a bill to authorize and require the Commissioner of the General Land Office, to issue patents for land on surveys made in Peters' colony; upon which the yeas and nays were as follows:

Yeas—Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Kinney, Parker, Portis, Truit, Walker and Wallace—12.

Nays—Messrs. Hart, Latimer, McRae, Moffett, Pease, Phillips, Robertson, Taylor, Van Derlip and Ward—10. Carried and vote reconsidered.

On motion of Mr. Portis, the bill was referred to a Select committee; Messrs. Portis, McRae and Grimes, were appointed said committee.

Mr. Moffett made the following report :

The committee on Engrossed Bills have examined the following bills, and find them correctly engrossed.

A bill to authorize the Commissioner of the General Land Office, to receive from the Secretary of State, the Archives of Martin De Leon's colony, and deposit the same in the General Land Office ;

A bill for the relief of Wm. W. Wallace ;

An act concerning lands acquired by aliens.

On motion, the Senate adjourned until 3 o'clock, p. m.

3 O'CLOCK P. M.

The Senate met—roll called—quorum present.

A bill to amend an act to establish the judicial districts of the District Courts ; read and passed to third reading.

Mr. Wallace chairman of the Select committee, to which was referred three several bills to provide for holding the District Courts in the fifth, sixth, eighth and ninth judicial districts ; reported the same back to the Senate offering a substitute therefor, and recommended its adoption, and that the original bills be laid upon the table.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill to incorporate the town of Livingston ; reported a substitute for the same, and recommended its adoption.

Mr. Phillips from the same committee, to which was referred a bill to regulate the courts, and the time of holding the same in the fourth judicial district ; reported the same back to the Senate with amendments, and recommended their adoption and the passage of the bill.

Amendments—second section, eighth line, after the word "Refugio" strike out the word "third," and insert "twelfth;" tenth line, strike out "fifth" and insert "fourth;" 12th line, strike out "ninth" and insert "eighth;" fourteenth line, strike out "tenth" and insert "ninth;" sixteenth line, strike out "eleventh" and insert "tenth."

A bill for the relief of John P. Rosier ; read and passed to a third reading.

A bill to alter the time of holding the Supreme Court, together with the report of the committee on the Judiciary, recommending that it be indefinitely postponed ; was read and report adopted by the following vote :

Yeas—Messrs. Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Pease, Phillips, Truit, Van Derlip, Ward, Walker and Wallace—17.

Nays—Messrs. Kinney, Portis and Robertson—3.

A bill to define the boundary line between Gonzales and Caldwell counties; read and passed to a third reading.

A bill to create the office of State Translator together with the report of the committee on State Affairs, offering a substitute therefor; was read, substitute adopted and ordered to be engrossed.

A bill to incorporate the La Fayette Academy, in the city and county of Matagorda; read second time and passed to a third reading.

A bill granting to Isaac Dewees and Thomas M. Brown, the privilege of establishing a Ferry across the river Sabine; read second time; and, on motion of Mr. McRae, referred to the committee on Roads, Bridges and Ferries.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled:

A bill for the relief of the heirs of Joseph Thompson, deceased; and a bill to incorporate the town of Rusk.

Mr. Wallace from the same committee, also made the following report:

The joint committee on Enrolled Bills, presented to the Governor this day, after they had been signed by the Speaker of the House of Representatives and President of the Senate, the following bills, to wit:

A bill for the relief of John Jackson;

A bill for the relief of Daniel Fuller;

A bill for the relief of James R. Pace;

A bill for the relief of the citizens in Mercer's colony;

A bill to authorize the Commissioner of the General Land Office, to issue a certificate to J. H. Singleton, for one third of a league of land;

And a bill for the relief of the sufferers by the destruction of the records and certificates for land, in the office of the land district of Rusk.

Mr. Portis from the Special committee, to which was referred a bill to authorize and require the Commissioner of the General Land Office, to issue patents for land on surveys made in Peters' colony; reported the same back to the Senate with amendments, and recommend their adoption and the passage of the bill.

Amendments:

1st amendment—amend the caption by inserting after "Peters" the word "Mercer's."

2nd amendment—amend 1st section by inserting in the 11th line, after the words "W. S. Peters and his associates" the words, "and Charles Fenton Mercer and his associates."

3rd amendment—amend same section by adding, "provided

that said surveys may have been or may hereafter be made, upon lands which do not conflict with any surveys made by the said companies, or with the survey of any settler in said colonies, or with an actual survey made by virtue of any genuine and *bona fide* certificate heretofore emanating from the Republic or State of Texas."

Mr. Pease introduced a joint resolution proposing an amendment to the constitution ; read first time.

A bill for the relief of William W. Wallace ; read third time and passed.

A bill concerning lands acquired by aliens ; read third time and passed.

A bill to authorize the Commissioner of the General Land Office, to receive from the Secretary of State, the archives of Martin De Leon's colony, and deposite the same in the General Land Office ; read third time and passed.

On motion of Mr. Parker, the rule requiring reports to lie on the table for one day was suspended, and the report of the Select committee offering a substitute for several bills providing for holding the District Courts, in the 5th, 6th, 8th and 9th judicial districts, was taken up ; read and substitute adopted and bill passed to a third reading.

On motion of Mr. Parker, the rule was suspended, bill read a third time and passed.

Mr. Walker introduced a bill requiring all persons filing on lands, to have the same surveyed within a given time.

On motion of Mr. Walker, the rule was suspended, bill read second time and referred to the committee on Public Lands.

A bill to provide for the investigation of land titles in certain counties therein mentioned, together with the report of the committee on the Judiciary, offering amendments thereto, was read and the first amendment to the 7th and 10th sections, and the second amendment to the 13th, 16th and 17th sections were adopted ; the first amendment to the 13th section, rejected by the following vote :

Yeas—Messrs. Davis, Kinney Pease, Phillips, Portis, Taylor, Van Derlip and Ward—8.

Nays—Messrs. Brashear, Gage, Grimes, Hart, McRae, Moffett, Parker, Robertson, Truit, Walker and Wallace—12.

The amendment offered by the committee to the 14th section, was also rejected.

Mr. Gage offered to amend by adding the following additional section :

" *Be it further enacted*, That the provisions of this act shall

not be so construed as to prevent the locating and surveying of any lands that have not been heretofore located or surveyed, or settled on; adopted by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—19.

Nays—Messrs. Pease, Phillips and Robertson—3.

Mr. Wallace offered the following amendment: section 13th, in 4th line; strike out "and no surveys shall hereafter be made in the portion of country mentioned in this act;" adopted by the following vote:

Yeas: Messrs. Brashear, Burleson, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Portis, Truit, Ward, Walker and Wallace—14.

Nays: Messrs. Cooke, Davis, Kinney, Pease, Phillips, Robertson, Taylor and Van Derlip—8.

On motion of Mr. Grimes, the bill was laid on the table until Monday, the 4th inst.

On motion of Mr. Brashear, the Senate adjourned.

MONDAY, 9 o'clock, A. M., February 4, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Burleson, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Pease, Portis, Taylor, Truit, Ward, Walker and Wallace.

The journals of Saturday were read and adopted.

Mr. Latimer, chairman of the committee on Public Lands, to whom a bill to prevent controversies originating from a conflict of patents emanating from the State of Texas; a bill requiring all persons filing on lands to have the same surveyed in a given time, and a bill for the relief of John Beeman, John S. Beeman, James J. Beeman and John N. Bryan, reported the same back to the Senate, without amendment, and recommended their passage.

Mr. Ward, from the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, Feb. 4th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The following bills and resolutions were presented by the En-